

Sixth Appellate District

San Jose, California

MONDAY, MARCH 30, 2009

H033340 PEOPLE v. RIVAS

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Rushing, P.J., McAdams, J.)  
Filed March 30, 2009

H033490 In re DANIEL B.; DFCS v. RAUL H.

The juvenile court's order is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed March 30, 2009

H033377 PEOPLE v. ROMUA

The judgment is modified to reflect that (1) the sentence imposed for the attempted premeditated murder conviction is life with the possibility of parole, said sentence to run consecutive to the three-year sentence imposed for the enhancement under 12022.7, subdivision (a); and (2) the imposition of a \$129.75 criminal justice administration fee to the City of Milpitas is made pursuant to Government Code sections 29550, 29550.1 and 29550.2. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with the foregoing and deliver it to the Department of Corrections. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed March 30, 2009

H033031 PEOPLE v. BEN DANIELS, JR.

The judgment is affirmed. (not published)  
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)  
Filed March 30, 2009

H032072 PEOPLE v. NERI

By the Court\*:

Appellant's petition for rehearing is denied.  
Filed: March 30, 2009  
\*Before Bamattre-Manoukian, Acting P.J., McAdams, J. and Duffy, J.

WEDNESDAY, APRIL 1, 2009

(no minute approved orders)

Sixth Appellate District

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THURSDAY, APRIL 2, 2009

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jossie Michel, Deputy Clerk.

H032395 PUENTES v. COUNTY OF SANTA CLARA

Cause called and argued by Benjamin Puentes appearing for Appellant and by Kathryn J. Zoglin appearing for Respondent. Cause ordered submitted.

H032245 PEOPLE v. LIVESAY

Cause called and argued by Allen H. Schwartz appearing for Appellant and by Deputy Attorney General Margo J. Yu appearing for Respondent. Cause ordered submitted.

H032669 LEE v. LIU, ET AL.

Cause called and argued by Joseph D. Kostmayer appearing for Appellant and by Steven C. Adelman appearing for Respondents. Cause ordered submitted.

Duffy, J. leaves the bench and Mihara, J. takes the bench.

H032868 In re Marriage of NADKARNI

Cause called and argued by Stephen J. Usoz appearing for Appellant and by Geoge Benetatos appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, Acting P.J. leaves the bench and Premo, Acting P.J. takes the bench.

H032686 NGUYEN v. KSJX-AM 1500 et al.

Cause called and argued by Judith C. Johnson appearing for appellants. No appearance made on behalf of Respondent. Cause ordered submitted.

Court recesses until the 1:30 p.m. calendar.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Mihara, Acting P.J.; McAdams, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

Sixth Appellate District

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H033202 IN RE S.R., a minor

Cause called and argued by Julie Braden appearing for Appellant, by Douglas Tsuchiya appearing for respondent minor, and by William K. Rentz, Deputy County Counsel, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Thursday, April 2, 2009 (continued)

H032542 RAMON v. COUNTY OF SANTA CLARA

Cause called and argued by Matthew Witteman appearing for Appellant Martin Ramon and by Aryn Paige Harris, Deputy County Counsel, appearing for Appellant County of Santa Clara. Cause ordered submitted.

Court adjourns.

H032837 PEOPLE v. LUU

The judgment is reversed and remanded with directions to the trial court to conduct a *Marsden* hearing and exercise judicial discretion to order a new trial, to reinstate the judgment, or to proceed otherwise as authorized by law. Appellant has the right to be present at those proceedings. Should the trial court reinstate the judgment, the trial court is directed to modify the judgments to reflect a total restitution fine of \$10,000 and total suspended parole revocation fine of \$10,000. The superior court shall forward the amended abstracts of judgment to the Department of Corrections and Rehabilitation. As modified, the judgments are affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed April 2, 2009

FRIDAY, APRIL 3, 2009

The following cases are submitted this date:

H033576 In re J.E., et al.; D.F.C.S. v. J.E.

H031612 PEOPLE v. GARZA

H032219 PEOPLE v. NEWTON

H032348 PEOPLE v. ROUSE

H032571 PEOPLE v. ESAU

H032585 PEOPLE v. GARCIA

H032758 PEOPLE v. GALLEGOS

H033126 PEOPLE v. DAILEY

H032942 PEOPLE v. GONZALEZ

H032986 PEOPLE v. LOPEZ

H031886 FOX v. GEORGE VALVERDE, as Interim Director, etc., et al.

The judgment granting Fox's petition for writ of mandate is reversed with direction to enter a new judgment denying the petition for a writ of mandate. (not published)

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(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara,  
J.)

Filed April 3, 2009

Sixth Appellate District

San Jose, California

Friday, April 3, 2009 (continued)

H032666 SHIEJAK v. COMMUNITY HOSPITAL OF THE MONTEREY PENINSULA

The summary judgment is reversed. The trial court is directed to vacate its previous order granting defendant Community Hospital of the Monterey Peninsula's motion for summary judgment and to enter a new order granting defendant's motion for summary adjudication of plaintiff Barbara Shiejak's cause of action for intentional infliction of emotional distress. The parties are to bear their own costs on appeal. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed April 3, 2009

H032674 PEOPLE v. DIGIACOMO

The judgment is affirmed. (not published) (Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J.; I concur in the judgment only: McAdams, J.)

Filed April 3, 2009